IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.12.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND

THE HON'BLE MR. JUSTICE S. TAMILVANAN

WRIT PETITION No.7899 of 2004
and WPMP.No.9364 of 2004.
..

Kamalesh Kumar Seth .. Petitioner

vs.

1.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.8, Gandhi Irwin Road,
Chennai 600 008.

2.Branch Manager
Bank of Baroda
Triplicane Branch
Chennai 600 005. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying of issuance of Writ of Certiorari as stated therein calling for the records relating to the 1st Respondent vide their impugned Letter NO. EN1/28257/2003 dated 18.03.2004 and to quash the same.

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For petitioner : Mr.S. Sundaresan

For respondents: Mr. J. Ravindran for R.1

No appearance for R.2

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ORDER

(Order of the Court was delivered by P. SATHASIVAM,J.)

Heard both sides.

2. It is represented that subsequent to filing of the above writ petition, the very same petitioner furnished fresh bank guarantee dated 29.04.2005, to the satisfaction of Chennai Metropolitan Development Authority (in short, 'CMDA'). The petitioner has also enclosed copy of the said bank guarantee in the form of additional typed set. In view of the same, we permit the petitioner to make a representation to the Member Secretary, CMDA, first respondent herein, highlighting his stand that the impugned proceedings dated 18.03.2004 shall be revoked on the ground of fresh bank guarantee furnished by him, without going into the merits of the other claims made by the petitioner. We permit the petitioner to make fresh representation to the first respondent, Member Secretary, CMDA within a period of two weeks from the date of receipt of a copy of this order. If any such representation is made, it is for the first respondent to consider and pass appropriate orders within a period of four weeks thereafter. In view of the same and taking note of the fact that the petitioner had the benefit of interim order from 23.06.2004, the same order shall continue till final decision being taken by the first respondent, as directed above.

With the above observation, the writ petition is disposed of. No costs. Consequently, connected WPMP., is closed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.8, Gandhi Irwin Road,
Chennai 600 008.

2. The Branch Manager,
Bank of Baroda,
Triplicane Branch, Chennai 600 005

PK(CO)
NM(20.12.2006)

WP No.7899 of 2004

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